



## OFFICE OF THE SHERIFF, Carroll County

**Jeff Doran, Sheriff**

### NEWS RELEASE

The Carroll County Sheriff's Department received a 911 call at 9:56 a.m. on Wednesday, 07-28-10 reporting subjects trapped in a grain bin at Consolidated Grain at 10650 Mill Rd. in rural Mt. Carroll, IL. Mt. Carroll Ambulance and Mt. Carroll Fire Departments were dispatched and requested assistance from the following fire and EMS agencies: Savanna, Shannon, Milledgeville, Lanark, Stockton, and Fulton Fire EMS; Chadwick and Thomson Fire Departments, Stephenson County High Angle Rescue Team, German Valley Fire and Grain Tube Team, Warren, Scales Mound, Sabula, IA., Stillman Valley, Polo, Mt. Morris, Dixon Rural, Foreston, Miles, IA., and Morrison Fire Departments, Lemons Ambulance, and Star Ambulance; The Mt. Carroll Police Department, Carroll County Sheriff's Department, Carroll County Auxillary, Lanark Police Department, Chadwick Police Department, Milledgeville Police Department, Illinois State Police, Stephenson County Sheriff Reserves, Lifeline Helicopter, and Medforce Helicopter. Also assisting were numerous local trucking companies, farmers, and citizens.

Three employees were reported trapped in one of the large grain storage bins. The first, William "Will" Piper, age 20, of Mt. Carroll, IL. was removed from the grain bin and transferred to Lifeline Helicopter at approximately 4:15 p.m. He was then flown to St. Anthony's Hospital in Rockford, IL. A recovery process was then began for the other two victims. Alejandro "Alex" Pacas, age 19, of Mt. Carroll, IL. was removed from the grain storage bin at approximately 10:16 p.m. and was pronounced dead by the Carroll County Coroner Matt Jones. The third victim, Wyatt R. Whitebread, age 14, of Mt. Carroll, IL. was removed from the grain bin at approximately 10:50 p.m. and was pronounced dead by the Carroll County Coroner.

The incident remains under investigation by the Carroll County Sheriff's Department, The Carroll County Coroner's Office, and OSHA.

**NO FURTHER INFORMATION WILL BE RELEASED.**





## OFFICE OF THE SHERIFF, Carroll County

**Jeff Doran, Sheriff**

### Press Release

The following press release is a joint release from the Carroll County Sheriff's Office and the Carroll County Coroner's Office.

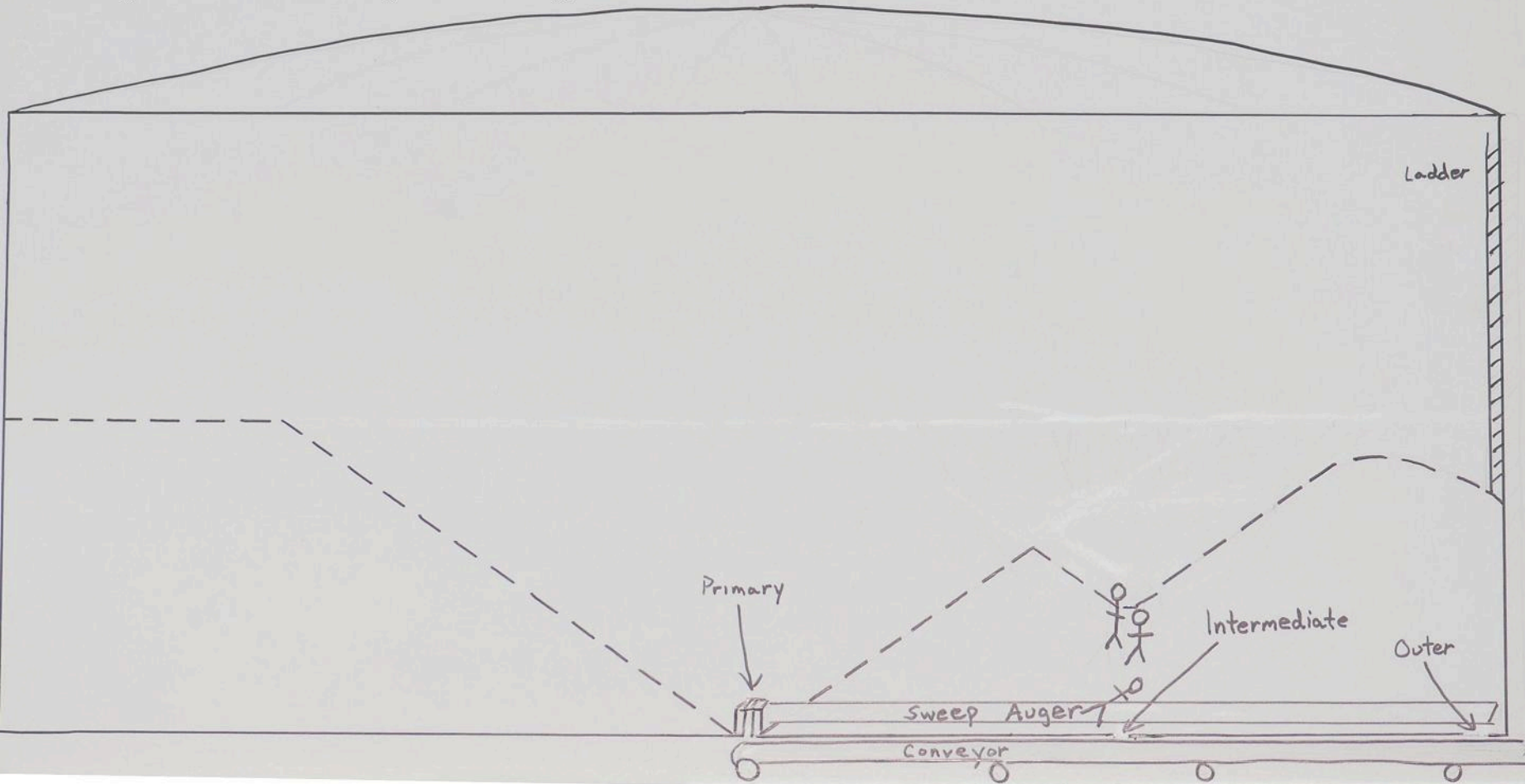
At approximately 9:56 A.M. on July 28<sup>th</sup>, the Carroll County Sheriff's Office received a 911 call of individuals trapped in a grain bin at 10650 Mill Rd. in Mt. Carroll, IL. The bin is operated by Haasbach LLC of Mt. Carroll. Subsequently, Will Piper, age 20, of Mt. Carroll was rescued from the bin and airlifted to a Rockford hospital. Alejandro "Alex" Pacas 19 and Wyatt Whitebread, 14, both of Mt. Carroll were pronounced dead at the scene by Carroll County Coroner Matt Jones.

The Carroll County Sheriff's Office, the Carroll County Coroner's Office, the US Department of Labor and OSHA are continuing their investigation into this tragic incident. The preliminary results of the investigation show that the cause of death of both Wyatt Whitebread and Alex Pacas is traumatic asphyxiation, due to being engulfed in corn. The manner of death is accidental. This incident came about as the subjects were standing in the corn while the unloading system was in operation. The corn was being carried away by a conveyor system beneath the bin. It is believed that Wyatt Whitebread found himself sinking into the corn and that Will Piper and Alex Pacas came to his assistance. Wyatt Whitebread was completely engulfed in the corn, and soon after, Alex Pacas was engulfed in the corn. Will Piper remained with his head above the corn. Another male subject, age 15, exited the bin and went for help. Will Piper was taken to St. Anthony Hospital by helicopter after a multi-department rescue operation. It has been concluded that there were no safety harnesses or ropes being used by any individuals working within the bin, and that there was no spotter to allow immediate shutdown of the grain unloading system at the time of the accident.

OSHA continues to investigate the alleged safety violations that occurred at the grain operation. The US Department of Labor continues their investigation as to why there were individuals working in the bin that were under the age of 18 years of age.



**\*\*This illustration is preliminary in nature. This illustration may change dependent upon verbal testimony of the scene. This illustration was made after an extensive rescue and recovery operation which may have changed the scene.**



**Matthew Jones**  
**CARROLL COUNTY CORONER**  
**309 Chicago Avenue**  
**Savanna, Illinois 61074**  
**1815 273-2264**

August 6, 2010

**\*\*This a preliminary report which may change dependent upon further testimony\*\***

Case: Wyatt Whitebread and Alejandro "Alex" Pacas

Date of death: July 28, 2010

Place: Hassbach Grain Bins, Rte 64 & Mill Rd, bin #9

Time of notification: 911 call at 9:56 a.m.

**General Description:**

Four male subjects were working inside of bin #9, moving corn into the unloading system, as the unloading system was in operation. The male subjects are Wyatt Whitebread, age 14, Alex Pacas, age 19, Chris Lawton, age 15, and Will Piper, age 20. These young men were supervised by Matt Schaffner, employee of Hassbach Grain Bins.

See Carroll County Sheriff press release #1 for description of scene.

Through subsequent statements of witnesses the following details are listed.

The four young men, along with Matt Schaffner, were working on unloading corn out of bin #9. Bin #9 is approx. 118 feet in diameter and approx. forty-eight feet tall. The bin was about half full at the start of the operation. The young men first began unloading corn out of the primary opening located at the center of the bin. The opening is located at the pivot of the sweep auger. The sweep auger was not in operation at this phase of the process. The corn was being unloaded through the primary opening down to a conveyor system that carried the corn away. The conveyor system sits below the floor of the grain bin. There are three openings that lead to the conveyor system, the primary opening (center), the intermediate opening halfway between the primary opening and the outside edge of the bin), and the outer opening (approx two feet from the outside edge of the bin). The flow of corn is controlled by opening, or closing, the openings and also by the operation (start, stop) of the conveyor system. During this first phase of unloading, only the primary opening was used. The workers completed this first phase, meaning that they had exposed the floor of the bin at the primary opening location. The auger motor and first two feet of the auger sweep were exposed and the primary opening itself was exposed. The open space was shaped in an upside-down "V", or cone shape. (See diagram of bin #9). This completed phase one of their work.



They began the next phase of work by moving toward and above the intermediate opening . Matt Schaffner was in the bin at this time, he then exited the bin in order to go below the bin and open the intermediate opening. As the corn began to unload out of the intermediate opening, a second inverted cone shape began to form directly above the intermediate opening. The male subjects were standing in the cone shape area moving corn toward the center of the cone. Wyatt Whitebread exclaimed that he was stuck. The other subjects came to his assistance. They grabbed his shoulders, then arms. He continued to sink in the corn until his body was submerged. At this time Chris Lawton exited the bin in order to call for help and have the unloading system shut down. Alex Pacas and Will Piper now found themselves stuck in the corn with their heads above the corn. Matt Scaffner became aware of the incident, and also 911 was called. A quick attempt to release some corn from the area of the disabled workers was made. The outer opening in the bin floor was opened and the conveyor was restarted to unload corn away from the workers. This attempt was aborted after only a few seconds as it seemed to cause more harm. Alex Pacas continued to sink in the corn and was submerged. Will Piper was eventually rescued from the corn. It is estimated that Wyatt Whitebread died in the range of 10:00 a.m. and that Alex Pacas died in the range of 10:15 a.m. Their bodies were recovered approximately twelve hours later. A body diagram is attached to show any remarkable injury or markings on the bodies of Wyatt Whitebread or Alex Pacas.

The determination for cause of death is Traumatic Asphyxiation due to being engulfed in corn.  
The manner of death is determined to be accidental.  
Autopsies were not performed, as this was a witnessed incident.









# Inspection Report

Mon Jan 24, 2011 6:30pm

Rpt ID	Assignment Nr.	CSHO ID	Supervisor ID	Inspection Nr.	Opt. Insp. Nr.
0521400	0	#7C	#7C	314037433	

Establishment Name		Haasbach, L.L.C.			
Site Address	10650 Mill Road MT Carroll, IL 61053		Site Phone		Site FAX
Mailing Address	6891 North Stagecoach Trail Warren, IL 61087		Mail Phone		Mail FAX
Controlling Corp			Employer ID		#4
Ownership	A. Private Sector		City	5840	County 015
Legal Entity			Previous Activity (State Only)		

Related Activity					
Type	Number	Satisfied	Type	Number	Satisfied
A. Accident	100822550				

Employed in Establishment	#4	Advance Notice?	No	Category	S. Safety
Covered By Inspection	6	Union?	No	Interviewed?	Yes
Controlled By Employer	#4	Walkaround?	Yes		
Primary SIC	5153	Secondary SIC		Inspected	
Primary NAICS	424510	Secondary NAICS		NAICS Inspected	

Inspection Type	A. Fatality/Catastrophe	Reason No Inspection	
Scope of Inspection	A. Comprehensive Inspection		
Classification			
Strategic Initiatives	YOUTH		
National Emphasis			
Local Emphasis			

Anticipatory Warrant Served?	No	Denial Date	Date ReEntered	Date ReDenied	ReEntered
Anticipatory Subpoena Served?	No				

Entry	07/28/10	19:38	First Closing Conference	01/21/11	16:10
Opening Conference	07/28/10	20:15	Second Closing Conference		
Walkaround	07/28/10	20:15	Exit		
Days On Site	9		Case Closed		
			No Citations Issued		

Type	ID	Optional Information
N	10	IMMLANG-Y

CSHO Signature	#7C	Date	1/24/2011
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## Inspection Narrative

Mon Jan 24, 2011 6:30pm

Inspection Nr.		314037433	
Opt. Case Number			
Establishment Name	Haasbach, L.L.C.		
Legal Entity		Type of Business	Grain Elevator

Additional Citation Mailing Addresses	

Organized Employee Groups	

Authorized Employee Representatives	

Employer Representatives Contacted		
Name	Title	Function
Matt Schaffner	Facility Manager	I O M
Willard "Bill" Harbach	owner	I O M
Heath Harbach	owner	I O M
Dirk Harbach	owner	I O M
Robert Haas	owner	I O M
#7C		

Other Persons Contacted	
#7C #7C	

Entry	07/28/10	19:38	First Closing Conference	01/21/11	16:10
Opening Conference	07/28/10	20:15	Second Closing Conference		
Walkaround	07/28/10	20:15	Exit		
			Case Closed		

#4 #5	
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Followup Inspection?	Reason
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Coverage Information/Additional Comments

CSHO Signature

Accompanied By

#7C

1/21/2011





# Fatality/Catastrophe Report

Mon Aug 2, 2010 11:51am

Reporting ID	0521400		Previous Activity (Type & Number)		0		Event Number		100822550	
Establishment Information	Establishment Name	Hassbach, L.L.C.					Employer ID			
	Site Address	10650 Mill Rd Mt Carroll IL 61053					City Code	5840	County Code	015
	Site Phone	(815) 541-2587	Site FAX							
	Mailing Address	6900 North Stagecoach Road Warren, IL 61087								
	Event Address (if different)									
Industry & Ownership	Type of Business		Primary SIC	5153	Primary NAICS	424510	No. of Employees	114		
	Ownership	A. Private Sector								
Receipt Information	Reported By				Date	07/28/10	Time			
	Job Title				Telephone					
Employee Representation	Group Name(s):									
Classification	A. Fatality									
Event Description	Event Date	Event Time		Number of Fatalities	Number of Hospitalized Injuries	Number of NonHospitalized Injuries	Number Unaccounted for			
	07/28/10	10:00 am		15	5	8	5			
	Type of Event	Engulfment								
Preliminary Description	Employees engulfed in corn.									
Action	Inspection Planned?	Supervisor(s) Assigned			CSHO(s) Assigned					
	Yes	HRC			H7C					
Strategic Initiatives										
National Emphasis										
Local Emphasis										
Optional Information	Type	ID	Optional Information Value							
Comments										

U. S. Department of Labor  
Occupational Safety and Health Administration



**Investigation Summary**

Mon Jan 24, 2011 4:35pm

Reporting ID	Investigation Summary Number	OSHA-36 Number	OSHA-36 Establishment Name
0521400	200824480	100822550	Hassbach, L.L.C.
Event Date	07/28/10	Event Time	09:56 am
Type of Event	Engulfment		

Inspection Number/ Establishment Name	314037433 Haasbach, L.L.C.
Injured/Deceased Name	
Sex:	#7C
Age:	
Injury:	A. Fatality
Nature:	02 Asphyxia
Part of Body:	04 Body system
Source of Injury:	42 Working surface
Event Type:	02 Caught in or between
Environmental Factor:	13 Working surface or facility layout condition
Human Factor:	01 Misjudgment of hazardous situation
Task:	A Regularly Assigned
Substance Code:	
Occupational Code	

Inspection Number/ Establishment Name	314037433 Haasbach, L.L.C.
Injured/Deceased Name	
Sex:	#7C
Age:	
Injury:	A. Fatality
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Human Factor:	01 Misjudgment of hazardous situation
Task:	A Regularly Assigned
Substance Code:	
Occupational Code	

**Abstract:**

**FINDINGS: HAASBACH, LLC SIC: 5153 NAICS: 424510**

On July 28, 2010, at approximately 09:56 hours, employees were engulfed while emptying a 500,000 bushel steel plate corn storage bin at a grain elevator. Of the engulfed employees died on site by suffocation. Employee became caught in the corn flowing into the second of two bin bottom dump points emptying into a conveyor below the bin. The remaining employees attempted to free employee. When they realized their attempt was futile, employee (engulfed survivor) ordered employee who was nearest the exit ladder to exit and notify the control room to stop the conveyors, notify 911, and the Employee did so, while employees and continued



their attempted rescue of employee . Employee was totally engulfed, employee was engulfed up to neck, and employee was engulfed up to shoulders but retained arm function. Employee continued rescue efforts to would be rescuer employee by attempting to maintain an air way by manually move flowing corn from employee face. The conveyor was stopped; corn continued to flow to a settling trickle. Employee was totally engulfed. Employee continued moving corn to maintain own air way when EMS arrived and secured by tie off. Employee was rescued and airlifted to a trauma unit at approximately 16:15 hours. The remaining bodies were recovered at 22:15 and 22:30 the same date. } #7C

The employees were not trained in the hazards associated with grain bin entry, the required use of PPE, or general safety requirements of the facility. The only ppe that was used, were dust masks. Language was not an issue.

#7C

The manager was working alone in an adjacent bin with a sweep auger.

Haasbach, LLC

Narrative 314037433

**COVERAGE INFORMATION:**

The exposed workers are employees of Haasbach, LLC. The employer receives grain by truck, dries grain(if needed), stores grain and then sells the stored grain from the Mt. Carroll facility that is shipped by truck primarily to Savanna, IL that is then shipped by barge on the Mississippi River to a facility in or near the Port of New Orleans.

The Haasbach, LLC owns and operates the facility where a fatal accident occurred on July 28, 2010.

Consolidated Grain and Barge Company has a grain merchandizing and storage agreement with Haasbach, LLC a separate inspection was opened with CG and B.

The SIC code for the employer operations at this commercial site is 5153. The same code is listed on the employer's EPA dust permit.

#5  
#7C

**OPENING CONFERENCE NOTES:**

7/28/2010

Upon ~~#7C~~ arrival, Deputy Craig Dimmick of the Carroll County Sheriff's Dept. was contacted; the Carroll County Coroner Matt Jones intercepted the ~~#7C~~ en-route to the incident command center and provided basic information about the fatal accident scene. The Incident Commander was contacted and an unused command trailer was provided to OSHA for interviews.

An opening conference was conducted with Darrell Stoner who had notified the OSHA hot line of the accident. This hotline notice was received after the media referral. Darrell Stoner is the father of Ryan Stoner a member of the LLC ownership. Credentials were presented with scope and purpose explained. Darrell Stoner then stated that he had no involvement in the LLC and was acting on behalf of his son Ryan Stoner.

An opening conference was held with Matt Schaffner, elevator manager, credentials were presented with scope and purpose explained. The opening conference was followed by an interview of Schaffner regarding his role in the events of the day, and the normal work practices of the facility. Schaffner then reviewed the notes of the interview, made corrections, initialed each page and signed the last page.



## U.S. Department of Labor

Occupational Safety and Health Administration  
365 Smoke Tree Plaza  
North Aurora, IL 60542  
Phone: (630) 896-8700 FAX: (630) 892-2160



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# Citation and Notification of Penalty

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**To:**  
Haasbach, L.L.C.  
and its successors  
6891 North Stagecoach Trail  
Warren, IL 61087

**Inspection Number:** 314037433  
**Inspection Date(s):** 07/28/2010 - 01/21/2011  
**Issuance Date:** 01/24/2011

**Inspection Site:**  
10650 Mill Road  
Mt. Carroll, IL 61053

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may meet with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies). Please call immediately if you wish to schedule a conference.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be

submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Abatement Certification** - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly that you have taken appropriate corrective action within the time frame set forth on this Citation. Please send to the Area Office abatement certification or documentation as indicated on the citation.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.



**Notice to Employees** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Internet Citation History** - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [WWW.OSHA.GOV](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.

## ABATEMENT CERTIFICATION

Kathy Webb, Area Director  
U.S. Department of Labor - OSHA

365 SMOKE TREE PLAZA  
North Aurora, IL 60542-1798  
Phone: (630)896-8700

Haasbach, L.L.C.  
6891 North Stagecoach Trail  
Warren, IL 61087

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_, Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by the following action: \_\_\_\_\_

Write a brief description of corrective action

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_, Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by the following action: \_\_\_\_\_

Write a brief description of corrective action

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_, Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by the following action: \_\_\_\_\_

Write a brief description of corrective action

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_, Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by the following action: \_\_\_\_\_

Write a brief description of corrective action

I attest that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement activities described in this certification.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 01/24/2011. The conference will be held at the OSHA office located at 365 Smoke Tree Plaza, North Aurora, IL, 60542-1798 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.





### **Citation and Notification of Penalty**

**Company Name:** Haasbach, L.L.C.  
**Inspection Site:** 10650 Mill Road, Mt. Carroll, IL 61053

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#### **Citation 1 Item 1 Type of Violation: **Serious****

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE).

On or about July 28, 2010, Haasbach, L.L.C. did not assess the workplace to determine if hazards existed that required personal protective equipment. The workplace known as storage bin number 9, where employees were required to work in stored corn, posed an engulfment hazard.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 4200.00

#### **Citation 1 Item 2 Type of Violation: **Serious****

29 CFR 1910.132(f)(1): The employer did not provide training to each employee who was required to wear personal protective equipment (PPE) on: (1) When PPE is necessary; (2) What PPE is necessary; (3) How to properly don, doff, adjust, and wear PPE; (4) the limitations of the PPE; and (5) the proper care, maintenance, useful life and disposal of the PPE.

On or about July 28, 2010, Haasbach, L.L.C. did not provide training to each employee who was required to wear a body harness and life line when entering grain bins. Such training did not include: when body harnesses and life lines are required; how to properly don, adjust, and wear body harnesses and life lines; the limitations of body harnesses and life lines; and the proper care and maintenance of body harnesses and life lines.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 4200.00



**Citation and Notification of Penalty**

**Company Name:** Haasbach, L.L.C.  
**Inspection Site:** 10650 Mill Road, Mt. Carroll, IL 61053

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**Citation 1 Item 3** Type of Violation: **Serious**

29 CFR 1910.134(c)(1): In any workplace where respirators are necessary to protect the health of the employees or whenever respirators are required by the employer, the employer did not establish and implement a written respiratory protection program with work site specific procedures. The program shall include applicable provisions (i) through (ix) of this section:

On or about July 28, 2010, Haasbach, L.L.C. required employees to use respirators to protect their health from grain dust without the development of a respiratory protection program that included: procedures for selecting respirators for use in the workplace, fit testing procedures, procedures for proper use of respirators, and procedures for regularly evaluating the effectiveness of the program.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 4200.00

**Citation 1 Item 4** Type of Violation: **Serious**

29 CFR 1910.145(c)(2)(i) Caution signs were not used to warn against potential hazards or to caution against unsafe practices:

On July 28, 2010, Haasbach, L.L.C. did not post caution signs warning employees of the hazards associated with grain bin entry or the requirement of a bin entry permit.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 4200.00



**Citation and Notification of Penalty**

**Company Name:** Haasbach, L.L.C.  
**Inspection Site:** 10650 Mill Road, Mt. Carroll, IL 61053

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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.272(d): The employer did not develop and implement an emergency action plan meeting the requirements contained in 29 CFR 1910.38:

On or about July 28, 2010, Haasbach, L.L.C. did not develop or implement an emergency action plan for employees entering and working in bin number 9.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated: 02/11/2011  
Proposed Penalty: \$ 4200.00

**Citation 1 Item 6** Type of Violation: **Serious**

29 CFR 1910.272(e)(1): The employer did not provide training to employees at least annually and when changes in job assignments would expose them to new hazards in the grain handling facilities:

On or about July 28, 2010, Haasbach, L.L.C. did not provide training to current employees and new employees in general safety practices and specific procedures such as preventative maintenance procedures and lockout/tagout procedures.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated: 02/11/2011  
Proposed Penalty: \$ 4200.00



### **Citation and Notification of Penalty**

**Company Name:** Haasbach, L.L.C.  
**Inspection Site:** 10650 Mill Road, Mt. Carroll, IL 61053

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#### **Citation 1 Item 7 Type of Violation: **Serious****

29 CFR 1910.272(g)(1)(i): The employer did not issue a permit for entering bins, silos or tanks in the grain handling facility before the employees entered the bins, silos, or tanks:

- a) On or about July 28, 2010, Haasbach, L.L.C. did not issue a permit for entry into corn storage bin number 9.
- b) On or about July 28, 2010, Haasbach, L.L.C. did not issue a permit for entry into corn storage bin number 13.
- c) On or about July 26, 2010, Haasbach, L.L.C. did not issue a permit for entry into corn storage bin number 13.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

**Date By Which Violation Must be Abated:** 02/11/2011  
**Proposed Penalty:** \$ 4200.00

#### **Citation 1 Item 8 Type of Violation: **Serious****

29 CFR 1910.272(g)(3): In the grain handling facility an observer, equipped to provide assistance, was not stationed outside the bin, silo, or tank being entered by an employee:

On or about July 28, 2010, Haasbach, L.L.C. required employees to work in corn storage bin number 9 without an observer equipped to provide assistance being stationed outside the bin.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

**Date By Which Violation Must be Abated:** 02/11/2011  
**Proposed Penalty:** \$ 4200.00





### **Citation and Notification of Penalty**

**Company Name:** Haasbach, L.L.C.  
**Inspection Site:** 10650 Mill Road, Mt. Carroll, IL 61053

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#### **Citation 1 Item 9 Type of Violation: **Serious****

29 CFR 1910.272(g)(4): The employer of the grain handling facility did not provide equipment for rescue operations, which was specifically suited for the bin, silo, or tank being entered:

On or about July 28, 2010, Haasbach, L.L.C. required employees to work in corn storage bin number 9 without providing rescue equipment to be used in grain bin rescue.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 4200.00

#### **Citation 1 Item 10 Type of Violation: **Serious****

29 CFR 1910.272(g)(6): Employees at the grain handling facility entered bins, silos, or tanks underneath a bridging condition, or where a buildup of grain products on the side could fall and bury them:

On or about July 27, 2010, Haasbach, L.L.C. required employees to remove adhered corn from the interior walls of storage bin number 9. This buildup of corn, moldy corn, and partially decayed corn adhered to the interior bin sides posed an engulfment hazard as employees moved this non-flowing grain.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 4200.00



**Citation and Notification of Penalty**

Company Name: Haasbach, L.L.C.  
Inspection Site: 10650 Mill Road, Mt. Carroll, IL 61053

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**Citation 1 Item 11** Type of Violation: **Serious**

29 CFR 1910.272(m)(3): A certification record maintained of each inspection by the employer in the grain facility was not in accordance with 29 CFR 1910.272(m)(1):

On or about July 28, 2010, Haasbach, L.L.C. did not certify any record of any inspection of mechanical equipment in the grain facility.

**Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated: 02/11/2011  
Proposed Penalty: \$ 4200.00

**Citation 1 Item 12** Type of Violation: **Serious**

29 CFR 1910.272(m)(4): The employer did not implement procedures in the grain handling facility for the use of tags and locks which would prevent the inadvertent application of energy or motion to equipment being repaired, serviced, or adjusted, which could result in employee injury:

On or about July 24, 2010, Haasbach, L.L.C. did not implement procedures to deenergize and prevent the operation of the electrical-mechanical bottom conveyor system of corn storage bin number 9 that was being repaired.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated: 02/11/2011  
Proposed Penalty: \$ 4200.00



## **Citation and Notification of Penalty**

**Company Name:** Haasbach, L.L.C.  
**Inspection Site:** 10650 Mill Road, Mt. Carroll, IL 61053

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### **Citation 2 Item 1 Type of Violation: **Willful****

29 CFR 1910.272(e)(2): Employees assigned special tasks in the grain handling facility, such as bin entry and handling of flammable or toxic substances, were not provided training to perform these tasks safety:

On July 27, 2010 and July 28, 2010, Haasbach, L.L.C. did not train employee number 1 in safe work practices such as bin entry permits and deenergizing equipment while working inside a grain storage structure. Additionally, the employee was not trained regarding the hazards of engulfment associated with the prohibited practice of walking down grain, the prohibited practice of working on moving grain, or the required use of personal protective equipment such as body harnesses and life lines while working in shelled corn stored in bin number 9.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 42000.00

### **Citation 2 Item 2 Type of Violation: **Willful****

29 CFR 1910.272(e)(2): Employees assigned special tasks in the grain handling facility, such as bin entry and handling of flammable or toxic substances, were not provided training to perform these tasks safety:

On July 27, 2010 and July 28, 2010, Haasbach, L.L.C. did not train employee number 2 in safe work practices such as bin entry permits and deenergizing equipment while working inside a grain storage structure. Additionally, the employee was not trained regarding the hazards of engulfment associated with the prohibited practice of walking down grain, the prohibited practice of working on moving grain, or the required use of personal protective equipment such as body harnesses and life lines while working in shelled corn stored in bin number 9.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 42000.00



### **Citation and Notification of Penalty**

**Company Name:** Haasbach, L.L.C.  
**Inspection Site:** 10650 Mill Road, Mt. Carroll, IL 61053

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#### **Citation 2 Item 3 Type of Violation: Willful**

29 CFR 1910.272(e)(2): Employees assigned special tasks in the grain handling facility, such as bin entry and handling of flammable or toxic substances, were not provided training to perform these tasks safely:

On July 27, 2010 and July 28, 2010, Haasbach, L.L.C. did not train employee number 3 in safe work practices such as bin entry permits and deenergizing equipment while working inside a grain storage structure. Additionally, the employee was not trained regarding the hazards of engulfment associated with the prohibited practice of walking down grain, the prohibited practice of working on moving grain, or the required use of personal protective equipment such as body harnesses and life lines while working in shelled corn stored in bin number 9.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 42000.00

#### **Citation 2 Item 4 Type of Violation: Willful**

29 CFR 1910.272(e)(2): Employees assigned special tasks in the grain handling facility, such as bin entry and handling of flammable or toxic substances, were not provided training to perform these tasks safely:

On July 27, 2010 and July 28, 2010, Haasbach, L.L.C. did not train employee number 4 in safe work practices such as bin entry permits and deenergizing equipment while working inside a grain storage structure. Additionally, the employee was not trained regarding the hazards of engulfment associated with the prohibited practice of walking down grain, the prohibited practice of working on moving grain, or the required use of personal protective equipment such as body harnesses and life lines while working in shelled corn stored in bin number 9.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 42000.00





### **Citation and Notification of Penalty**

**Company Name:** Haasbach, L.L.C.  
**Inspection Site:** 10650 Mill Road, Mt. Carroll, IL 61053

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#### **Citation 2 Item 5 Type of Violation: **Willful****

29 CFR 1910.272(g)(1)(ii): Prior to entry, all mechanical, electrical, hydraulic, and pneumatic equipment which presented a danger to employees inside bins, silos, or tanks in the grain handling facility were not deenergized and were not disconnected, locked-out and tagged, blocked off, or prevented from operating by other means or methods:

On July 27, 2010, Haasbach, L.L.C. did not deenergize and prevent from operating the electrical-mechanical bottom conveyor system for corn storage bin number 9 prior to employee entry into that same bin.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 42000.00

#### **Citation 2 Item 6 Type of Violation: **Willful****

29 CFR 1910.272(g)(1)(ii): Prior to entry, all mechanical, electrical, hydraulic, and pneumatic equipment which presented a danger to employees inside bins, silos, or tanks in the grain handling facility were not deenergized and were not disconnected, locked-out and tagged, blocked off, or prevented from operating by other means or methods:

On July 28, 2010, Haasbach, L.L.C. did not deenergize and prevent from operating the electrical-mechanical bottom conveyor system for corn storage bin number 9 prior to employee entry into that same bin.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 42000.00



**Citation and Notification of Penalty**

**Company Name:** Haasbach, L.L.C.  
**Inspection Site:** 10650 Mill Road, Mt. Carroll, IL 61053

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**Citation 2 Item 7** Type of Violation: **Willful**

29 CFR 1910.272(g)(1)(iv): "Walking down grain" and similar practices where an employee walked on the grain to make it flow within or out from a grain storage structure, or where an employee was on moving grain, was not prohibited.

On July 27 and 28, 2010, Haasbach, L.L.C. required employees to manually move corn to flow points with shovels while walking on moving corn in storage bin number 9.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 42000.00

**Citation 2 Item 8** Type of Violation: **Willful**

29 CFR 1910.272(g)(2): When entering the grain handling facility bins, silos, or tanks from the top, employees did not wear a body harness with lifeline, or use a boatswain's chair that met the requirements of Subpart D, 29 CFR 1910.28(j):

On July 27 and 28, 2010, Haasbach, L.L.C. required employee #1, without a body harness and lifeline, to work in corn storage bin number 9 where engulfment hazards existed.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 42000.00



## **Citation and Notification of Penalty**

**Company Name:** Haasbach, L.L.C.  
**Inspection Site:** 10650 Mill Road, Mt. Carroll, IL 61053

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### **Citation 2 Item 9 Type of Violation: Willful**

29 CFR 1910.272(g)(2): When entering the grain handling facility bins, silos, or tanks from the top, employees did not wear a body harness with lifeline, or use a boatswain's chair that met the requirements of Subpart D, 29 CFR 1910.28(j):

On July 27 and 28, 2010, Haasbach, L.L.C. required employee #2, without a body harness and lifeline, to work in corn storage bin number 9 where engulfment hazards existed.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 42000.00

### **Citation 2 Item 10 Type of Violation: Willful**

29 CFR 1910.272(g)(2): When entering the grain handling facility bins, silos, or tanks from the top, employees did not wear a body harness with lifeline, or use a boatswain's chair that met the requirements of Subpart D, 29 CFR 1910.28(j):

On July 27 and 28, 2010, Haasbach, L.L.C. required employee #3, without a body harness and lifeline, to work in corn storage bin number 9 where engulfment hazards existed.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 42000.00



## **Citation and Notification of Penalty**

**Company Name:** Haasbach, L.L.C.  
**Inspection Site:** 10650 Mill Road, Mt. Carroll, IL 61053

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### **Citation 2 Item 11 Type of Violation: **Willful****

29 CFR 1910.272(g)(2): When entering the grain handling facility bins, silos, or tanks from the top, employees did not wear a body harness with lifeline, or use a boatswain's chair that met the requirements of Subpart D, 29 CFR 1910.28(j):

On July 27 and 28, 2010, Haasbach, L.L.C. required employee #4, without a body harness and lifeline, to work in corn storage bin number 9 where engulfment hazards existed.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 42000.00

### **Citation 2 Item 12 Type of Violation: **Willful****

29 CFR 1910.272(g)(2): When entering the grain handling facility bins, silos, or tanks from the top, employees did not wear a body harness with lifeline, or use a boatswain's chair that met the requirements of Subpart D, 29 CFR 1910.28(j):

On July 27 and 28, 2010, Haasbach, L.L.C. required employee #5, without a body harness and lifeline, to work in corn storage bin number 9 where engulfment hazards existed.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 42000.00





**Citation and Notification of Penalty**

**Company Name:** Haasbach, L.L.C.  
**Inspection Site:** 10650 Mill Road, Mt. Carroll, IL 61053

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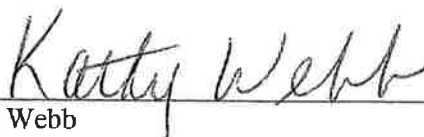
**Citation 3 Item 1** Type of Violation: **Other**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200 (f), (g), and (h) will be met:

On or about July 28, 2010, Haasbach, L.L.C. did not develop, implement or maintain a hazard communication program.

**Abatement certification is required for this item in accordance with the requirements of 29 CFR 1903.19(c).**

Date By Which Violation Must be Abated:	02/11/2011
Proposed Penalty:	\$ 600.00

  
\_\_\_\_\_  
Kathy Webb  
Area Director

## U.S. Department of Labor

Occupational Safety and Health Administration  
365 Smoke Tree Plaza  
North Aurora, IL 60542-1798  
Phone: (630) 896-8700 FAX: (630) 892-2160



### INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Haasbach, L.L.C.  
**Inspection Site:** 10650 Mill Road, Mt Carroll, IL 61053  
**Issuance Date:** 01/24/2011

**Summary of Penalties for Inspection Number 314037433**

<b>Citation 1, Serious</b>	<b>= \$ 50400.00</b>
<b>Citation 2, Willful</b>	<b>= \$ 504000.00</b>
<b>Citation 3, Other</b>	<b>= \$ 600.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$ 555000.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:

"DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions put on any check or money order for less than the full amount due and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

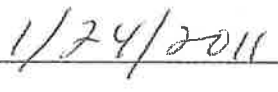
**Interest.** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 4%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you

file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges.** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs.** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

  
\_\_\_\_\_  
Kathy Webb  
Area Director

  
\_\_\_\_\_  
Date

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Citation and Notification of Penalty.

If the hazards itemized on this citation(s) are not abated/corrected and a follow-up inspection is conducted, your establishment may receive a Failure to Abate Citation for the uncorrected hazards with subsequent additional monetary penalties of up to thirty (30) times the original penalty amount of the uncorrected hazards.

**U.S. Department of Labor**

Occupational Safety and Health Administration  
Aurora Area Office  
365 Smoke Tree Plaza  
North Aurora, IL 60542  
(630) 896-8700  
(630) 892-2160 facsimile



Dear Employer:

Under a law passed by Congress in 1996, the Small Business Administration (SBA) has established an SBA Ombudsman and SBA Regional Fairness Board to investigate small business complaints about federal agency enforcement actions.

If you are a small business and believe you have been treated unfairly by the Occupational Safety and Health Administration (OSHA) you may file a written, signed complaint with the SBA Ombudsman at:

SBA Ombudsman  
300 S. Riverside Plaza  
Suite 1975 South  
Chicago, IL 60606-6617

Or, call Toll-Free: 1-888-REGFAIR

NOTE: Filing a complaint with the SBA Ombudsman does not affect any obligation you may have to comply with an OSHA citation or other enforcement action. Nor does it mean you need not take other available legal steps to protect your interests.

Your support in worker occupational health and safety is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Webb".

Kathy Webb  
Area Director

**OSHA**  
People First  
Safety Always

An opening conference was held with Willard "Bill", Heath, and Dirk Harbach majority owners in the LLC. Credentials were presented to each with scope and purpose explained followed by an interview.

An opening conference was held with Robert Haas owner in the LLC. Credentials were presented with scope and purpose explained followed by an interview.

An opening conference was held with #7C functions as a #7C in the same facility. There were no 7C employees exposed to any of the operational hazards of the elevator. It was also stated that #7C had no control of the Haasbach, LLC employees. A separate inspection was opened for ---

#### WALKAROUND:

7/28/2010

The above individuals were interviewed regarding their knowledge of the incident. The employer owns and operates a grain elevator facility where grain is received by truck. The grain is graded and weighed ( #7C ) The grain is then elevated and transported to storage bins in preparation for drying or directly to a storage bin depending on the moisture content of the grain. Grain is stored in bins up to 500,000 bushel capacity until it is shipped by truck to a grain purchaser for the purchaser's use. The grain handling within the facility is accomplished and controlled by Haasbach, LLC.

#5

On the day of the accident, the bin was said to be approximately half full. The second or intermediate dump sump was opened to improve grain flow to the bottom conveyor. Employees were instructed to stay out of the moving grain within 10 feet of the sump holes. Employees were also told that their job was to keep the grain moving in order to empty the bin. Work started shortly after 07:00 hours. Shortly before 10:00 hours, #7C called to fellow crew members that was stuck in the corn. #7C went to assist, #7C, joined in the effort to free #7C. When it became clear that additional help was required, #7C ordered #7C to exit the bin and to order the shut down of the bottom conveyor. #7C in the control room to shut down the system and to contact Matt Schaffner. Matt Schaffner was working alone in bin 13 behind a sweep auger. When Schaffner reached the upper access hatch the #7C were not visible. Schaffner ordered #7C to call 911. When Matt Schaffner reached the #7C inside the bin,



engulfed in corn up to their necks. Schaffner  
enquired about #7C and was told he was under them. EMS arrived and  
rescue operations were initiated. The third sump to the bottom conveyor was opened in  
an effort to draw grain away from #7C, however the second sump was not  
closed and 7C was totally engulfed. #7C was successfully rescued.

7/29/2010

An interview was conducted of #7C  
regarding knowledge and role of the accident.

#7C

#5

#7C

#5

8/3/2010

A meeting was held with the Carroll County Coroner, Carroll Count Sheriff, Mt Carroll  
Fire Chief, Mt Carroll EMS Chief, Bureau of Hours and Wages and OSHA. The tenor of  
this meeting was one of cooperation and joint participation while conducting interviews  
to minimize the stress of the young interviewees.

#7C

#5

#7C

#5

#7C

advised by fax that he represented Haasbach, LLC.

8/24/2010

A site visit was made #7C to gather additional information  
regarding the physical characteristics of Bin 9.

8/26/2010

Subpoena was served to Dirk Harbach regarding documents.

9/3/2010

U. S. Department of Labor  
Occupational Safety and Health Administration



Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	S Serious	Citation Number	01	Item/Group	001
Number Exposed	5	No. Instances	1	REC	A Accident
Std. Alleged Vio.	1910.0132( d)(01)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required		Y	Date Verified		

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE).

On or about July 28, 2010, Haasbach, L.L.C. did not assess the workplace to determine if hazards existed that required personal protective equipment. The workplace known as storage bin number 9, where employees were required to work in stored corn, posed an engulfment hazard.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

#5

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	5	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				
Address	H 7C				

H 7C

Occupation		Employer	
Nr of Employees	7C	Duration	

# 7C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 28, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn adhered and build up on the interior of the bin walls.

**The employer did not assess the workplace to determine what hazards existed that would require the use of personal protective equipment.**

- b) Equipment: There was no personal protective equipment required by the employer.

- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.

- d) Injury/Illness: The most likely injury in death.

- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

45



## Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	S Serious	Citation Number	01	Item/Group	002
Number Exposed	5	No. Instances	1	REC	A Accident
Std. Alleged Vio.	1910.0132(f)(01)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.132(f)(1): The employer did not provide training to each employee who was required to wear personal protective equipment (PPE) on: (1) When PPE is necessary; (2) What PPE is necessary; (3) How to properly don, doff, adjust, and wear PPE; (4) the limitations of the PPE; and (5) the proper care, maintenance, useful life and disposal of the PPE.

On or about July 28, 2010, Haasbach, L.L.C. did not provide training to each employee who was required to wear a body harness and life line when entering grain bins. Such training did not include: when body harnesses and life lines are required; how to properly don, adjust, and wear body harnesses and life lines; the limitations of body harnesses and life lines; and the proper care and maintenance of body harnesses and life lines.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	5	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				
Address	# 7 C				

# 7 C

# 5

#7C

#5

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 28, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn adhered and build up on the interior of the bin walls.

**The employer provided no training to employees when the use of body harnesses and life lines were required; how to properly don, adjust and wear body harnesses and life lines; and how to properly care for and maintain body harnesses and life lines.**

- b) Equipment: There was no personal protective equipment required by the employer.

- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.

- d) Injury/Illness: The most likely injury in death.

- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

#5

U. S. Department of Labor  
Occupational Safety and Health Administration



Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	S Serious	Citation Number	01	Item/Group	003
Number Exposed	5	No. Instances	1	REC	A Accident
Std. Alleged Vio.	1910.0134( c)(01)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.134(c)(1): In any workplace where respirators are necessary to protect the health of the employees or whenever respirators are required by the employer, the employer did not establish and implement a written respiratory protection program with work site specific procedures. The program shall include applicable provisions (i) through (ix) of this section:

On or about July 28, 2010, Haasbach, L.L.C. required employees to use respirators to protect their health from grain dust without the development of a respiratory protection program that included: procedures for selecting respirators for use in the workplace, fit testing procedures, procedures for proper use of respirators, and procedures for regularly evaluating the effectiveness of the program.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

#5

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	5	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				
Address					

#7C

#5



#7C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time

On or About  
July 28, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn adhered and build up on the interior of the bin walls.

**The employer required employees to use dust masks and did not assess the workplace to determine the correct respirator, fit testing, medical evaluation of employees, cleaning and storage practices, training in the proper use of respirators.**

- b) Equipment: The only personal protective equipment required by the employer was dust masks.

- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.

- d) Injury/Illness: The most likely injury in death.

- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had required the use of dust masks.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

#5

U. S. Department of Labor  
Occupational Safety and Health Administration



Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	S Serious	Citation Number	01	Item/Group	004
Number Exposed	6	No. Instances	1	REC	
Std. Alleged Vio.	1910.0145( c)(02)( i)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.145(c)(2)(i) Caution signs were not used to warn against potential hazards or to caution against unsafe practices:

On July 28, 2010, Haasbach, L.L.C. did not post caution signs warning employees of the hazards associated with grain bin entry or the requirement of a bin entry permit.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

#5

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	5	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				
Address					

#7C

#5

#7C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On July 28, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: Employees were not warned by signage of the hazards associated with grain bin entry, engulfment by grain, or the requirement of a bin entry permit.
- b) Equipment: Signage as noted above was not posted.
- c) Location: Signage as noted above was not posted near the ladder access point or the upper bin entry point.
- d) Injury/Illness: The most likely injury is death.
- e) Measurements: Na

21. Photo Number	Location on Video

23. Employer Knowledge : The facility manager, Matt Schaffner, accessed bin 9 at the start of the shift with the crew and was also exposed.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information :

#5

First Repeat	Second Repeat	Repeat Penalty

U. S. Department of Labor  
Occupational Safety and Health Administration



Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	S Serious	Citation Number	01	Item/Group	005
Number Exposed	5	No. Instances	1	REC	A Accident
Std. Alleged Vio.	1910.272( d)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required		Y	Date Verified		

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(d): The employer did not develop and implement an emergency action plan meeting the requirements contained in 29 CFR 1910.38:

On or about July 28, 2010, Haasbach, L.L.C. did not develop or implement an emergency action plan for employees entering and working in bin number 9.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

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Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	5	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				
Address					

#7C

#7C

#5


# 7C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 28, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: An emergency action plan was not developed or implemented for employees entering and working in storage bin number 9. Employees were manually shoveling shelled corn to dump holes in the floor that were located over an operating conveyor. Employees were removing shelled corn caked on the interior of the bin walls.
- b) Equipment: There were no instructions given to the entrants regarding practices or procedures in the event of an emergency or the equipment to be used.
- c) Location: The employees were working in flowing shelled corn over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

# 5

U. S. Department of Labor  
Occupational Safety and Health Administration



Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	S Serious	Citation Number	01	Item/Group	006
Number Exposed	6	No. Instances	1	REC	A Accident
Std. Alleged Vio.	1910.0272( e)(01)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required		Y	Date Verified		

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(e)(1): The employer did not provide training to employees at least annually and when changes in job assignments would expose them to new hazards in the grain handling facilities:

On or about July 28, 2010, Haasbach, L.L.C. did not provide training to current employees and new employees in general safety practices and specific procedures such as preventative maintenance procedures and lockout/tagout procedures.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

#5

Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	5	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				
Address					

#7C



# 7C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 28, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn caked on the interior of the bin walls. **The employees and the facility manager had not received training regarding general safety precautions associated with the facility, the hazards associated with dust, the accumulation of dust, housekeeping procedures, preventative maintenance, and loto/tag out procedures.**
- b) Equipment: There were no life lines or harnesses in use.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

26. Classification:
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## Worksheet

Fri Jan 21, 2011 4:10pm

					Inspection Number	314037433
					Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.					
Type of Violation	S Serious	Citation Number	01	Item/Group	007	
Number Exposed	6	No. Instances	1	REC	A Accident	
Std. Alleged Vio.	1910.0272( g)(01)( i)					

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(g)(1)(i): The employer did not issue a permit for entering bins, silos or tanks in the grain handling facility before the employees entered the bins, silos, or tanks:

- On or about July 28, 2010, Haasbach, L.L.C. did not issue a permit for entry into corn storage bin number 9.
- On or about July 28, 2010, Haasbach, L.L.C. did not issue a permit for entry into corn storage bin number 13.
- On or about July 26, 2010, Haasbach, L.L.C. did not issue a permit for entry into corn storage bin number 13.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	5	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				

# 7C

# 7C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 28 & 26, 2010

20. Instance Description - Describe the following:

a) Hazards-Operation/Condition-Accident: A bin entry permit was not issued for work inside corn storage bin number 9. Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor.

A bin entry permit was not issued for work inside corn storage bin number 13. The facility manager was working alone in bin 13 as other employees were working in bin 9.

b) Equipment: The fixed ladder was not offset or provided with landing platforms or a cage. There were no life lines or harnesses in use.

c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.

d) Injury/Illness: The most likely injury in death.

e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schuffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

#5

#5



## Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	S Serious	Citation Number	01	Item/Group	008
Number Exposed	5	No. Instances	1	REC	A Accident
Std. Alleged Vio.	1910.0272( g)(03)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(g)(3): In the grain handling facility an observer, equipped to provide assistance, was not stationed outside the bin, silo, or tank being entered by an employee:

On or about July 28, 2010, Haasbach, L.L.C. required employees to work in corn storage bin number 9 without an observer equipped to provide assistance being stationed outside the bin.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

#5

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	5	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				
Address					

#7c

#4C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
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On or About July 28, 2010
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20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: The bottom conveyor to corn storage bin number 9 was not deactivated and prevented from operation prior to employees entry into the same bin. Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn caked on the interior of the bin walls. **Employees were working without an observer being stationed outside the bin.**
- b) Equipment: There were no life lines or harnesses in use. There was no equipment available for an observer to use.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

# 5





## Worksheet

Fri Jan 21, 2011 4:10pm

					Inspection Number	314037433
					Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.					
Type of Violation	S Serious	Citation Number	01	Item/Group	009	
Number Exposed	5	No. Instances	1	REC	A Accident	
Std. Alleged Vio.	1910.0272( g)(04)					

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(g)(4): The employer of the grain handling facility did not provide equipment for rescue operations, which was specifically suited for the bin, silo, or tank being entered:

On or about July 28, 2010, Haasbach, L.L.C. required employees to work in corn storage bin number 9 without providing rescue equipment to be used in grain bin rescue.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

#5

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	5	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				
Address					

#7C

#7c

4. Date/Time
On or About July 28, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: The bottom conveyor to corn storage bin number 9 was not deactivated and prevented from operation prior to employees entry into the same bin. Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn caked on the interior of the bin walls.
- b) Equipment: There was no rescue equipment provided by the employer.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

#5



## Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	S Serious	Citation Number	01	Item/Group	010
Number Exposed	5	No. Instances	1	REC	A Accident
Std. Alleged Vio.	1910.0272( g)(06)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(g)(6): Employees at the grain handling facility entered bins, silos, or tanks underneath a bridging condition, or where a buildup of grain products on the side could fall and bury them:

On or about July 27, 2010, Haasbach, L.L.C. required employees to remove adhered corn from the interior walls of storage bin number 9. This buildup of corn, moldy corn, and partially decayed corn adhered to the interior bin sides posed an engulfment hazard as employees moved this non-flowing grain.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

#5

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr. of Employees	5	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				

#7C

A7C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 27, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: The bottom conveyor to corn storage bin number 9 was not deactivated and prevented from operation prior to employees entry into the same bin. Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also chipping shelled corn, moldy corn, and partially decayed corn adhered and built up on the interior of the bin walls. This build up was 4 to 6 inches thick and of sufficient mass to cause an employee to loose balance and become engulfed.
- b) Equipment: There was no rescue equipment provided by the employer.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

#5



## Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	S Serious	Citation Number	01	Item/Group	011
Number Exposed	6	No. Instances	1	REC	
Std. Alleged Vio.	1910.0272( m)(03)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(m)(3): A certification record maintained of each inspection by the employer in the grain facility was not in accordance with 29 CFR 1910.272(m)(1):

On or about July 28, 2010, Haasbach, L.L.C. did not certify any record of any inspection of mechanical equipment in the grain facility.

Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(d).

#5

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	6	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				

#7c

#7C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 28, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: Employees worked in storage bin number 9 removing shelled corn. **The employer did not maintain any record or certification of maintenance or safety inspections of grain handling machinery or equipment.**  
Over heated equipment or sparks present a fire/explosion hazard when handling combustible corn through equipment.
- b) Equipment: On July 23, 2010 bin #9 conveyor was repaired.
- c) Location: Bin # 9.
- d) Injury/Illness: The most likely injury is death.
- e) Measurements: Rolatape.

21. Photo Number	Location on Video

23. Employer Knowledge : Matt Schaffner site manager, worked in and around storage bin number 9.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information :

#5



## Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	S Serious	Citation Number	01	Item/Group	012
Number Exposed	2	No. Instances	1	REC	
Std. Alleged Vio.	1910.0272( m)(04)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(m)(4): The employer did not implement procedures in the grain handling facility for the use of tags and locks which would prevent the inadvertent application of energy or motion to equipment being repaired, serviced, or adjusted, which could result in employee injury:

On or about July 24, 2010, Haasbach, L.L.C. did not implement procedures to deenergize and prevent the operation of the electrical-mechanical bottom conveyor system of corn storage bin number 9 that was being repaired.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

#5

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	5	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				

#9C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 23, 2010



20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: The bottom conveyor to corn storage bin number 9 was not deactivated and prevented from operation while employees repaired the same conveyor system.
- b) Equipment: No tags or locks were used.
- c) Location: The employees were working on the bottom conveyor of circular bin 9.
- d) Injury/Illness: The most likely injury is entanglement/ death.
- e) Measurements: Rolatape.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner was working with another employee and was also exposed.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

#5

#5



## Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	W Willful	Citation Number	02	Item/Group	001
Number Exposed	1	No. Instances	1	REC	A Accident
Std. Alleged Vio.	1910.0272( e)(02)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(e)(2): Employees assigned special tasks in the grain handling facility, such as bin entry and handling of flammable or toxic substances, were not provided training to perform these tasks safely:

On July 27, 2010 and July 28, 2010, Haasbach, L.L.C. did not train employee *HTC* in safe work practices such as bin entry permits and deenergizing equipment while working inside a grain storage structure. Additionally, the employee was not trained regarding the hazards of engulfment associated with the prohibited practice of walking down grain, the prohibited practice of working on moving grain, or the required use of personal protective equipment such as body harnesses and life lines while working in shelled corn stored in bin number 9.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

*HTC*

*HTC*

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
July 28, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn caked on the interior of the bin walls. **The employees had not received training regarding bin entry**

permits, deenergizing equipment, the hazards of engulfment associated with walking down grain or working on moving grain, and the required use of body harnesses or life lines.

- b) Equipment: There were no life lines or harnesses in use.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

#5

#5



## Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	W Willful	Citation Number	02	Item/Group	002
Number Exposed	1	No. Instances	1	REC	A Accident
Std. Alleged Vio.	1910.0272( e)(02)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(e)(2): Employees assigned special tasks in the grain handling facility, such as bin entry and handling of flammable or toxic substances, were not provided training to perform these tasks safely:

On July 27, 2010 and July 28, 2010, Haasbach, L.L.C. did not train employee # 7C in safe work practices such as bin entry permits and deenergizing equipment while working inside a grain storage structure. Additionally, the employee was not trained regarding the hazards of engulfment associated with the prohibited practice of walking down grain, the prohibited practice of working on moving grain, or the required use of personal protective equipment such as body harnesses and life lines while working in shelled corn stored in bin number 9.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

# 5

# 7C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
July 28, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn caked on the interior of the bin walls. **The employees had not received training regarding bin entry**

permits, deenergizing equipment, the hazards of engulfment associated with walking down grain or working on moving grain, and the required use of body harnesses or life lines.

- b) Equipment: There were no life lines or harnesses in use.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin cave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

#5

#5



## Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	W Willful	Citation Number	02	Item/Group	003
Number Exposed	1	No. Instances	1	REC	A Accident
Std. Alleged Vio.	1910.0272( e)(02)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(e)(2): Employees assigned special tasks in the grain handling facility, such as bin entry and handling of flammable or toxic substances, were not provided training to perform these tasks safely:

On July 27, 2010 and July 28, 2010, Haasbach, L.L.C. did not train employee *if 7c* in safe work practices such as bin entry permits and deenergizing equipment while working inside a grain storage structure. Additionally, the employee was not trained regarding the hazards of engulfment associated with the prohibited practice of walking down grain, the prohibited practice of working on moving grain, or the required use of personal protective equipment such as body harnesses and life lines while working in shelled corn stored in bin number 9.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

[

*if 5*

*if 7c*

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
July 28, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn caked on the interior of the bin walls. **The employees had not received training regarding bin entry**

**permits, deenergizing equipment, the hazards of engulfment associated with walking down grain or working on moving grain, and the required use of body harnesses or life lines.**

- b) Equipment: There were no life lines or harnesses in use.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

# 5

# 5

U. S. Department of Labor  
Occupational Safety and Health Administration



Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	W Willful	Citation Number	02	Item/Group	004
Number Exposed	1	No. Instances	1	REC	A Accident
Std. Alleged Vio.	1910.0272( e)(02)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(e)(2): Employees assigned special tasks in the grain handling facility, such as bin entry and handling of flammable or toxic substances, were not provided training to perform these tasks safely:

On July 27, 2010 and July 28, 2010, Haasbach, L.L.C. did not train employee #7c in safe work practices such as bin entry permits and deenergizing equipment while working inside a grain storage structure. Additionally, the employee was not trained regarding the hazards of engulfment associated with the prohibited practice of walking down grain, the prohibited practice of working on moving grain, or the required use of personal protective equipment such as body harnesses and life lines while working in shelled corn stored in bin number 9.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

#5

#7c

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
July 28, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn caked on the interior of the bin walls. The employees had not received training regarding bin entry



permits, deenergizing equipment, the hazards of engulfment associated with walking down grain or working on moving grain, and the required use of body harnesses or life lines.

- b) Equipment: There were no life lines or harnesses in use.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

#5

#5



## Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	W Willful	Citation Number	02	Item/Group	005
Number Exposed	5	No. Instances	2	REC	A Accident
Std. Alleged Vio.	1910.0272( g)(01)( ii)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(g)(1)(ii): Prior to entry, all mechanical, electrical, hydraulic, and pneumatic equipment which presented a danger to employees inside bins, silos, or tanks in the grain handling facility were not deenergized and were not disconnected, locked-out and tagged, blocked off, or prevented from operating by other means or methods:

On July 27, 2010, Haasbach, L.L.C. did not deenergize and prevent from operating the electrical-mechanical bottom conveyor system for corn storage bin number 9 prior to employee entry into that same bin.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

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10

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	5	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				

A 7c

#7C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 28, 2010

20. Instance Description - Describe the following:

a) Hazards-Operation/Condition-Accident: The bottom conveyor to corn storage bin number 9 was not deactivated and prevented from operation prior to employees entry into the same bin. Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor.

b) Equipment: There were no locks or tags used.

c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.

The facility manager stated that he was located behind the sweep auger.

d) Injury/Illness: The most likely injury in death.

e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

#5

U. S. Department of Labor  
Occupational Safety and Health Administration



Worksheet

Fri Jan 21, 2011 4:10pm

					Inspection Number	314037433
					Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.					
Type of Violation	W Willful	Citation Number	02	Item/Group	006	
Number Exposed	5	No. Instances	2	REC	A Accident	
Std. Alleged Vio.	1910.0272( g)(01)( ii)					

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(g)(1)(ii): Prior to entry, all mechanical, electrical, hydraulic, and pneumatic equipment which presented a danger to employees inside bins, silos, or tanks in the grain handling facility were not deenergized and were not disconnected, locked-out and tagged, blocked off, or prevented from operating by other means or methods:

On July 28, 2010, Haasbach, L.L.C. did not deenergize and prevent from operating the electrical-mechanical bottom conveyor system for corn storage bin number 9 prior to employee entry into that same bin.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

AS

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	5	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				

11 7c

# 7C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 28, 2010

20. Instance Description - Describe the following:

a) Hazards-Operation/Condition-Accident: The bottom conveyor to corn storage bin number 9 was not deactivated and prevented from operation prior to employees entry into the same bin. Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor.

b) Equipment: There were no locks or tags used.

c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.

The facility manager stated that he was located behind the sweep auger.

d) Injury/Illness: The most likely injury in death.

e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

# 5



# Worksheet

Fri Jan 21, 2011 4:10pm

Inspection Number					314037433	
Opt. Insp. Number						
Establishment Name <b>Haasbach, L.L.C.</b>						
Type of Violation	<b>W Willful</b>		Citation Number	<b>02</b>	Item/Group	<b>007</b>
Number Exposed	<b>1</b>		No. Instances	<b>2</b>	REC	<b>A Accident</b>
Std. Alleged Vio.	<b>1910.0272( g)(01)( iv)</b>					

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
<b>15</b>				<b>02/11/11</b>	
Abatement Documentation Required			<b>Y</b>	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(g)(1)(iv): "Walking down grain" and similar practices where an employee walked on the grain to make it flow within or out from a grain storage structure, or where an employee was on moving grain, was not prohibited.

On July 27 and 28, 2010, Haasbach, L.L.C. required employees to manually move corn to flow points with shovels while walking on moving corn in storage bin number 9.

**Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).**

745

Employee Exposure:					
Occupation	<b>Site Manager</b>		Employer	<b>Haasbach, L.L.C.</b>	
Nr of Employees	<b>1</b>	Duration	<b>1 day</b>	Frequency	<b>2.5 hrs/day</b>
Employee Name	<b>Matt Schaffner</b>				
Address	<b>1170</b>				

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 27, 2010

20. Instance Description - Describe the following:

- Hazards-Operation/Condition-Accident: The bottom conveyor to corn storage bin number 9 was not deactivated and prevented from operation prior to employees entry into the same bin. Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn caked on the interior of the bin walls.

**Employees were using shovels and walking on moving grain to improve grain flow to auger openings.**

- b) Equipment: There were no life lines or harnesses in use.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

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#5

#5



# Worksheet

Thu Jan 20, 2011 10:41am

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	W Willful	Citation Number	02	Item/Group	007
Number Exposed	1	No. Instances	2	REC	A Accident
Std. Alleged Vio.	1910.0272( g)( 1)( iv)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15					
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
---------------------------

29 CFR 1910.272(g)(1)(iv): "Walking down grain" and similar practices where an employee walked on the grain to make it flow within or out from a grain storage structure, or where an employee was on moving grain, was not prohibited.

On July 27 and 28, 2010, Haasbach, L.L.C. required employees to manually move corn to flow points with shovels while walking on moving corn in storage bin number 9.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

A 5

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	1	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				
Address	A 7C				

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 27, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: The bottom conveyor to corn storage bin number 9 was not deactivated and prevented from operation prior to employees entry into the same bin. Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn caked on the interior of the bin walls.



**Employees were using shovels and walking on moving grain to improve grain flow to auger openings.**

- b) Equipment: There were no life lines or harnesses in use.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

#5

#5



## Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	W Willful	Citation Number	02	Item/Group	008
Number Exposed	1	No. Instances	2	REC	A Accident
Std. Alleged Vio.	1910.0272( g)(02)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(g)(2): When entering the grain handling facility bins, silos, or tanks from the top, employees did not wear a body harness with lifeline, or use a boatswain's chair that met the requirements of Subpart D, 29 CFR 1910.28(j):

On July 27 and 28, 2010, Haasbach, L.L.C. required employee <sup>#7C</sup> without a body harness and lifeline, to work in corn storage bin number 9 where engulfment hazards existed.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

f

#5

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	1	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				
Address	#7C				

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 27, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: The bottom conveyor to corn storage bin number 9 was not deactivated and prevented from operation prior to employees entry into the same bin. Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn caked on the interior of the bin walls. Employees were working without body harnesses and lifelines on moving grain.

- b) Equipment: There were no life lines or harnesses in use.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

# 5

# 5



## Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	W Willful	Citation Number	02	Item/Group	009
Number Exposed	1	No. Instances	2	REC	A Accident
Std. Alleged Vio.	1910.0272( g)(02)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(g)(2): When entering the grain handling facility bins, silos, or tanks from the top, employees did not wear a body harness with lifeline, or use a boatswain's chair that met the requirements of Subpart D, 29 CFR 1910.28(j):

On July 27 and 28, 2010, Haasbach, L.L.C. required employee <sup>#7C</sup> without a body harness and lifeline, to work in corn storage bin number 9 where engulfment hazards existed.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

#5

#7C

4. Date/Time
On or About July 27, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: The bottom conveyor to corn storage bin number 9 was not deactivated and prevented from operation prior to employees entry into the same bin. Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn caked on the interior of the bin walls. Employees were working without body harnesses and lifelines on moving grain.

- b) Equipment: There were no life lines or harnesses in use.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

#5

#5



# Worksheet

Fri Jan 21, 2011 4:10pm

Inspection Number	314037433
Opt. Insp. Number	

Establishment Name	Haasbach, L.L.C.				
Type of Violation	W Willful	Citation Number	02	Item/Group	010
Number Exposed	1	No. Instances	2	REC	A Accident
Std. Alleged Vio.	1910.0272( g)(02)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
---------------------------

29 CFR 1910.272(g)(2): When entering the grain handling facility bins, silos, or tanks from the top, employees did not wear a body harness with lifeline, or use a boatswain's chair that met the requirements of Subpart D, 29 CFR 1910.28(j):

On July 27 and 28, 2010, Haasbach, L.L.C. required employee <sup>#7C</sup> without a body harness and lifeline, to work in corn storage bin number 9 where engulfment hazards existed.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

#5

#7C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
-----------------------	-----------	--------------	-------------	-------------------	-----------------

4. Date/Time
On or About July 27, 2010

20. Instance Description - Describe the following:

- Hazards-Operation/Condition-Accident: The bottom conveyor to corn storage bin number 9 was not deactivated and prevented from operation prior to employees entry into the same bin. Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn caked on the interior of the bin walls. Employees were working without body harnesses and lifelines on moving grain.

- b) Equipment: There were no life lines or harnesses in use.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

# 5

# 5



# Worksheet

Fri Jan 21, 2011 4:10pm

Inspection Number					314037433	
Opt. Insp. Number						
Establishment Name <b>Haasbach, L.L.C.</b>						
Type of Violation	W Willful		Citation Number	02	Item/Group	011
Number Exposed	1		No. Instances	2	REC	A Accident
Std. Alleged Vio. <b>1910.0272( g)(02)</b>						

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required				Y	Date Verified

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.272(g)(2): When entering the grain handling facility bins, silos, or tanks from the top, employees did not wear a body harness with lifeline, or use a boatswain's chair that met the requirements of Subpart D, 29 CFR 1910.28(j):

On July 27 and 28, 2010, Haasbach, L.L.C. required employee <sup>#7c</sup> without a body harness and lifeline, to work in corn storage bin number 9 where engulfment hazards existed.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

# 5

# 7c

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 27, 2010

20. Instance Description - Describe the following:

- Hazards-Operation/Condition-Accident: The bottom conveyor to corn storage bin number 9 was not deactivated and prevented from operation prior to employees entry into the same bin. Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn caked on the interior of the bin walls. Employees were working without body harnesses and lifelines on moving grain.



- b) Equipment: There were no life lines or harnesses in use.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

1

#5

#5



## Worksheet

Fri Jan 21, 2011 4:10pm

					Inspection Number	314037433
					Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.					
Type of Violation	W Willful	Citation Number	02	Item/Group	012	
Number Exposed	1	No. Instances	2	REC	A Accident	
Std. Alleged Vio.	1910.0272( g)(02)					

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
-----------------	--

AVD/Variable Information:
---------------------------

29 CFR 1910.272(g)(2): When entering the grain handling facility bins, silos, or tanks from the top, employees did not wear a body harness with lifeline, or use a boatswain's chair that met the requirements of Subpart D, 29 CFR 1910.28(j):

On July 27 and 28, 2010, Haasbach, L.L.C. required employee <sup>#7C</sup> without a body harness and lifeline, to work in corn storage bin number 9 where engulfment hazards existed.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

1

#5

#5

4. Date/Time
On or About July 27, 2010

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Accident: The bottom conveyor to corn storage bin number 9 was not deactivated and prevented from operation prior to employees entry into the same bin. Employees were working in shelled corn attempting to improve the grain flow by manually shoveling corn to dump holes in the floor that were located over an operating conveyor. Employees were also removing shelled corn caked on the interior of the bin walls. Employees were working without body harnesses and lifelines on moving grain.

- b) Equipment: There were no life lines or harnesses in use.
- c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.
- d) Injury/Illness: The most likely injury in death.
- e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had instructed the crew in their task of emptying the corn bin.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

# 5

# 5



## Worksheet

Fri Jan 21, 2011 4:10pm

				Inspection Number	314037433
				Opt. Insp. Number	
Establishment Name	Haasbach, L.L.C.				
Type of Violation	O Other	Citation Number	03	Item/Group	001
Number Exposed	5	No. Instances	1	REC	A Accident
Std. Alleged Vio.	1910.1200( e)(01)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
15				02/11/11	
Abatement Documentation Required			Y	Date Verified	

Substance Codes	
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AVD/Variable Information:
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29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200 (f), (g), and (h) will be met:

On or about July 28, 2010, Haasbach, L.L.C. did not develop, implement or maintain a hazard communication program.

Abatement certification is required for this item in accordance with the requirements of 29 CFR 1903.19(c).

#5

Employee Exposure:					
Occupation	Site Manager	Employer	Haasbach, L.L.C.		
Nr of Employees	5	Duration	1 day	Frequency	2.5 hrs/day
Employee Name	Matt Schaffner				

TF 7c

#7C

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
On or About July 28, 2010

20. Instance Description - Describe the following:

a) Hazards-Operation/Condition-Accident: Employees were shoveling corn to dump holes in the floor that were located over an operating conveyor. The movement of grain generates dust. Stored grain includes various fumigants, molds and products of decomposition. Employees were required to wear dust masks; however the hazards associated with the commercial grain storage practices were not documented or communicated to the employees.

b) Equipment: The only personal protective equipment required by the employer was dust masks.

c) Location: The employees were working over dump hole number 2 that was located at mid radius of a metal grain bin 118 feet in diameter. The corn surface was believed to be approximately 10 feet above the floor level at the dump hole. The ladder was located on the northeast interior of circular bin 9.

d) Injury/Illness: The most likely injury is dust allergy.

e) Measurements: The metal bin rings measured 8.0 feet with an engineers leveling rod. There were a total of 6 rings from the ground to the bin eave.

21. Photo Number	Location on Video

23. Employer Knowledge : The site manager Matt Schaffner stated that he had required the use of dust masks.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information : None.

#5



UNITED STATES OF AMERICA  
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION  
1120 20th STREET, N.W., SUITE 980  
WASHINGTON, DC 20036-3457

Phone: (202) 606-5400

Fax: (202) 606-5050

Secretary of Labor,  
Complainant,  
v.  
Haasbach, LLC,  
Respondent.

Region 5  
OSHRC Docket No. 11-0437  
OSHA Inspection No. 314037433

**Notice Of Docketing  
Of Administrative Law Judge's Decision**

The Administrative Law Judge's Report in the above referenced case was docketed with the Commission on 12/15/2011. The decision of the Judge will become a final order of the Commission on 1/17/2012 unless a Commission member directs review of the decision on or before that date.


Any party desiring review of the judge's decision by the Commission must file a petition for discretionary review. Any such petition shall be received by the Executive Secretary on or before 1/4/2012 in order to permit sufficient time for its review. See Commission Rule 91, 29 C.F.R. 2200.91. All further pleadings or communications regarding this case shall be addressed to the Executive Secretary with a copy to the DOL Solicitor at the address below.

**Executive Secretary**  
**Occupational Safety and Health Review Commission**  
1120 20th St., N.W., Suite 980  
Washington, D.C. 20036-3419

**Charles F. James, Counsel for Appellate Litigation**  
**Heather R. Phillips, Counsel for Appellate Litigation**  
**Office of the Solicitor, U.S. DOL**  
**Room S4004**  
**200 Constitution Avenue, N.W.**  
**Washington, D.C. 20210**

If Directed for Review by the Commission, then the Counsel for Appellate Litigation will represent the Department of Labor. If you have questions, please call me at (202) 606-5400.

Date: December 15, 2011

  
**Ray H. Darling, Jr.**  
**Executive Secretary**

This notice has been sent to:

**For the Secretary of Labor:**

Joan E. Gestrin  
Office of the Solicitor, U.S. DOL  
230 South Dearborn Street, Room 844  
Chicago, IL 60604-1502

**For the Employer:**

John F. Doak, Esq.  
Katz, Huntoon & Fieweger, P.C.  
1000 36th Avenue  
PO Box 950  
Moline, IL 61265-7126

United States of America  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**  
1924 Building - Room 2R90, 100 Alabama Street, S.W.  
Atlanta, Georgia 30303-3104

Phone: (404) 562-1640

Fax: (404) 562-1650

**NOTICE OF DECISION**

Secretary of Labor v. Haasbach, LLC

OSHRC Docket No. 11-0437

1. Please take notice that the accompanying order approving the settlement agreement pursuant to 29 C.F.R. § 2200.100, the settlement agreement itself, and all other papers comprising the record were mailed on this date to the Review Commission's Executive Secretary, and shall constitute the report of this Administrative Law Judge for the purpose of 29 U.S.C. § 661(j).
2. Any request for relief from clerical mistakes or errors arising from oversight or inadvertence must be in the form of a written motion (See 29 C.F.R. § 2200.40). The motion should be directed to the Review Commission as follows:  

Executive Secretary  
Occupational Safety & Health Review Commission  
One Lafayette Centre  
1120 20th Street, NW - 9th Floor  
Washington, D. C. 20036-3457
3. The Executive Secretary shall make an appropriate referral of any request for relief.
4. The order shall become final thirty (30) days from the date of its docketing by the Executive Secretary, unless review thereof is directed by a Commission Member within that time. 29 U.S.C. § 661(j).



---

**KEN S. WELSCH**  
Judge

Date: November 21, 2011



UNITED STATES OF AMERICA  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**  
1924 Building - Room 2R90, 100 Alabama Street, S.W.  
Atlanta, Georgia 30303-3104

Secretary of Labor,  
  
Complainant  
  
v.  
  
Haasbach, LLC,  
  
Respondent.

OSHRC Docket No. **11-0437**

**Order Approving Settlement**

By facsimile on November 14, 2011, the fully executed settlement agreement was received from the parties in the above case which disposes of all issues pending before the Commission. Respondent hereby withdraws its notice of contest and represents that it has conformed with the applicable posting and service requirements as fixed by the rules of the Commission

The stipulation having been considered, it is ORDERED:

1. The terms of settlement are approved and incorporated herein as part of this order;
2. Citations 1, 2, and 3, issued to the respondent on January 24, 2011, are affirmed in accordance with the terms of settlement and amended penalties in the total amount of \$ 200,000.00 are assessed; and
3. The respondent's motion to withdraw its notices of contest, pursuant to the terms of the settlement, is granted.

/s/ KEN S. WELSCH

SO ORDERED.

Date: November 21, 2011

**Judge Ken S. Welsch**

1924 Building, Suite 2R90  
100 Alabama Street, S.W.  
Atlanta, Georgia 30303-3104  
Phone (404) 562-1640 Fax (404) 562-1650

This order has been sent to:

**For the Secretary of Labor:**  
Joan Gestrin, Regional Solicitor  
Office of the Solicitor  
U.S. Department of Labor  
230 South Dearborn Street, 8<sup>th</sup> Floor  
Chicago, IL 60604  
ATTN: Denise C. Hockley-Cann, Esquire

**For the Employer:**  
John F. Doak, Esquire  
Katz, Huntoon & Fieweger, P.C.  
1000 36<sup>th</sup> Avenue  
P.O. Box 950  
Moline, IL 61266-0950



UNITED STATES OF AMERICA  
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

-----

	:	
<b>HILDA L. SOLIS</b> , Secretary of Labor,	:	
United States Department of Labor,	:	
	:	
Complainant	:	
	:	OSHRC Docket No. 11-0437
v.	:	Inspection No. 314037433
	:	
<b>HAASBACH, L.L.C.</b> ,	:	
And its successors.	:	
	:	
	:	
Respondent	:	
	:	

-----

**STIPULATION AND SETTLEMENT AGREEMENT**

Complainant, **HILDA L. SOLIS**, Secretary of Labor, United States Department of Labor, and Respondent, **HAASBACH, L.L.C.**, pursuant to Rule 100 of this Commission hereby agree and stipulate to the full Settlement of this matter as follows:

**I**

Complainant hereby amends the Citations and Notifications of Penalty to propose a total amended penalty of Two Hundred Thousand Dollars (\$200,000).

## II

Respondent has no objection to the Complainant amending the Citation and Notification of Penalty as set forth in paragraph I above.

## III

Respondent hereby withdraws its Notice of Contest to the Citation and Notification of Penalty, as amended herein, and agrees to the entry of a final order by the Occupational Safety and Health Review Commission, affirming the Citations and Notification, as amended.

## IV

Respondent makes the following representations and assurances to Complainant:

- (a) At the time of the occurrence listed in the Citations and Notifications, the members of Respondent, Haasbach, L.L.C., were Haas & Haas, L.L.C. and the Harbach Family Partnership (hereinafter "Members").
- (b) Respondent has ceased to operate any ongoing business at the inspected workplace in Mount Carroll, Illinois. Respondent is no longer actively in business and is presently engaged in winding down its affairs. Respondent has sold its sole physical real property assets to Consolidated Grain & Barge. Respondent presently has no contracts for the storage of grain with any individual or entity. The sale of Respondent's sole physical real property assets was to an unrelated third party in an arm's length transaction. The third party was not nor is owned by Respondent or any Member of Respondent. Respondent no longer has any employees.
- (c) If, within twenty-four (24) months after the execution of this agreement, Respondent or, its successor, forms, manages, or operates a business that stores or

handles grain, Respondent will notify the OSHA Area Director for the office that issued the Citation and Notification of Penalty within thirty (30) days of the formation, management, or operation that handles or stores grain.

## V

Within thirty (30) days of entry of this Stipulation and Settlement Agreement, Respondent will forward to Complainant a cashier's check payable to "Occupational Safety and Health Administration—Labor," for Two Hundred Thousand Dollars (\$200,000.00), the unpaid balance of penalties herein, to: Area Director, Aurora Area Office, U.S. Dept. of Labor—OSHA, 365 Smoke Tree Plaza, North Aurora, Illinois 60542.

## VI

Based on the aforesaid assurances and representations by Respondent, Complainant has no objection to the withdrawal of the Notice of Contest.

## VII

Respondent states that it is no longer in business at the worksite of 10650 Mill Road, Mt. Carroll, IL 61053, that it has no employees, no bulletin boards, and no workplace that former employees or alleged former employees frequent and Respondent is in the process of winding down its affairs. The Secretary has no reason to dispute these representations by Respondent. Accordingly, there are no employees who are represented by an authorized employee representative, and there are no unrepresented affected employees, for whom Respondent may post a copy of this settlement agreement. Accordingly, the parties believe the posting requirements of 29 C.F.R. 2200.100 have been satisfied. See Coastal Paving, Inc., OSHRC Docket No. 002-0107 (ALJ Decision and Order; final order date Jan. 2, 2003), 2003 WL 61351, 19 O.S.H. Cas. (BNA) 2160, 2002 O.S.H.D. (CCH) P 32,644 (posting requirements of section

2200.100 were suspended since Respondent was no longer in business, worksite at issue no longer existed, and Respondent had no employees, no bulletin boards, and no workplace frequented by employees.))

## VIII

Except for these proceedings, and matters arising out of these proceedings, and any other subsequent OSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by Respondent shall be deemed an admission by the Respondent of the allegations contained within the Citations and Notifications of Penalty and the Complaint. The agreements, statements, findings, and actions taken herein are made for the purpose of compromising and settling this matter economically and amicably and without further cost of litigation and they shall not be used for any other purpose whatsoever, except as herein stated. Neither this Settlement Agreement or any order entered pursuant to the Agreement is intended to be offered, used or admitted in evidence against Haasbach L.L.C. in any proceeding or litigation, except for proceedings and matters brought under the Occupational Safety and Health Act ("Act"). Further, Haasbach L.L.C. is entering into this Agreement without any prejudice to its rights to raise any defense or argument in any future or pending cases, proceeding, or litigation under the Act.

## VIII

Each Party will bear its own fees, costs and other expenses incurred by such Party in connection with any stage of these proceedings, including attorneys' fees, which may be available under the Equal Access to Justice Act, as amended.

IX


Nothing in this Stipulation and Settlement Agreement alters in any manner the rights afforded employees under the Act.

DATED: November 7, 2011.

**HAASBACH, L.L.C.**

**M. PATRICIA SMITH**  
Solicitor of Labor

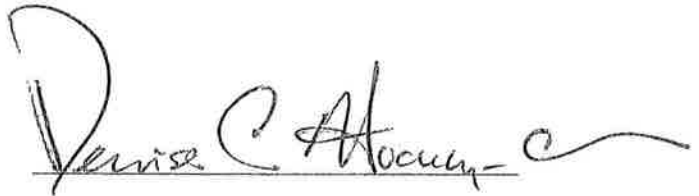
JOAN E. GESTRIN  
Regional Solicitor

By   
**Dirk Harbach, As Member**  
**of Haasbach, L.L.C.**

Its member

**P.O. ADDRESS:**

U.S. Department of Labor  
Office of the Solicitor  
230 South Dearborn Street  
8th Floor  
Chicago, Illinois 60604  
Telephone: 312/353-0890



**DENISE C. HOCKLEY -CANN**  
Senior Trial Attorney

Attorneys for **HILDA L. SOLIS**  
Secretary of Labor, United States  
Department of Labor, Complainant

### NOTICE

Any party (including any authorized employee representative of affected employees and any affected employee not represented by an authorized representative) who has any objection to the entry of an order as set forth in this agreement, must communicate such objections within ten (10) days of the posting of this agreement to the Honorable Ken S. Welsch, Judge, Occupational Safety and Health Review Commission, 1924 Building, Suite 2R90, 100 Alabama Street, S.W., Atlanta, Georgia 30303-3104 with copies to attorneys for Complainant and Respondent.

CERTIFICATE OF SERVICE

This is to certify that one copy of the foregoing Stipulation and Settlement Agreement has been served on the below-named individual this 17 day of November, 2011, by sending said copy by first-class mail to:


**John F. Doak, Esq.**

Katz, Huntoo & Fieweger, P.C.

1000—36<sup>th</sup> Avenue

Moline, IL 61265-7126

(309) 797-2167

  
**DENISE C. HOCKLEY -CANN**  
Attorney

United States Department of Labor  
One of the Attorneys for  
Complainant

U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Region V

Area Office: Aurora Area Office

Re: CONTEST

Haasbach, L.L.C.  
Inspection #314037433

Pursuant to Section 10, Occupational Safety and Health Act of 1970, the above-listed case is hereby certified to the Occupational Safety and Health Review Commission.

The documents listed below which were issued or received on the dates listed are enclosed herewith:

<u>No.</u>	<u>Date</u>	
1.	1/24/11	Citation and Notice of Proposed Penalty Issued  Number of Citations 3 Total amount of \$555,000.00
2.	2/14/11	Area Office received <u>Notice of Contest</u> from John Doak, attorney
3.	2/15/11	Notified Commission of receipt of contest as provided in 29 CFR 2200.33.

APPEARANCE

For the Secretary of Labor

United States Department of Labor  
ATTN: Regional Solicitor  
230 South Dearborn - 8th Floor  
Chicago, IL 60604

cc: SOL



600047021

THE LAW FIRM OF  
**KATZ, HUNTOON & FIEWEGER, P.C.**

DALE G. HAAKE\*  
FRANK L. NOWINSKI\*  
STEPHEN T. FIEWEGER\*  
JOHN F. DOAK\*  
THOMAS E. CADY\*  
ERIE D. JOHNSON\*  
W. MATTHEW HAYS\*

1000 - 36<sup>TH</sup> AVENUE  
MOLINE, IL 61265-7126

309-797-3000; VOICE  
309-797-2167; FAX

OF COUNSEL  
MARTIN H. KATZ  
PETER C. FIEWEGER\*  
FRANK R. EDWARDS

H. KARL HUNTOON  
1949-2011

\*ALSO LICENSED IN IOWA

February 14, 2011

OUR FILE: 16340-1

**Via Fax 630/892-2160, US Mail and email (Webb.Kathy@dol.gov)**

Kathy Webb  
Area Director  
U.S. Department of Labor  
Occupational Safety and Health Administration  
365 Smoke Tree Plaza  
North Aurora, IL 60542

Re: **EMPLOYER'S NOTICE OF CONTEST OF OSHA CITATION AND  
NOTICE OF PENALTY AGAINST HAASBACH, L.L.C.**  
Inspection #: 314037433  
Inspection Date(s): 07/28/2010 – 01/21/11  
Issuance Date: 01/24/11

Dear Ms. Webb:

This letter is a formal Notice of Contest. The undersigned law firm, as duly authorized agent in fact and attorney for Haasbach, L.L.C., hereby formally notifies the U.S. Department of Labor, Occupational Safety and Health Administration (hereinafter "OSHA"), through you, its Area Director, that Haasbach, L.L.C. contests OSHA's Citation. Haasbach, L.L.C. contests OSHA's jurisdiction over Haasbach, L.L.C. pursuant to limitations placed upon OSHA in respect to Agricultural pursuits in the Appropriations Act. Haasbach, L.L.C. further contests each and every violation, citation, abatement deadline and penalty proposed, including Citations 1-3 and each and every Item contained within OSHA Citation and Proposed Penalty # 314037433, dated January 24, 2011 and referenced above.

A copy of the citation, which was received by this office on January 24, 2011 is attached to this notice.

**KATZ, HUNTOON & FIEWEGER, P.C.**

Kathy Webb  
February 14, 2011  
2

Sincerely,

KATZ, HUNTOON & FIEWEGER, P.C.



John F. Doak

JFD/lmb

cc: client

Tim Zollinger, general counsel for Haasbach, L.L.C.

Denise Hockley-Cann, Senior Trial Attorney, U.S. Dep't. of Labor

S:\JFD\Haasbach\NoticeOfContest.doc



U.S. Department of Labor  
Occupational Safety and Health Administration  
365 Smoke Tree Plaza  
North Aurora, Illinois 60542  
(630) 896-8700  
(630) 892-2160 (fax)

January 24, 2011

#7C

Dear :

#7C

We are writing to share with you the findings of the recent Occupational Safety and Health Administration (OSHA) investigation into the death of your #7C

OSHA's investigation determined that the grain bin conveyor that #7C was working over was not de-energized and locked out. Additionally, 7C was not provided with a body harness and a life line while working in flowing grain that posed an engulfment hazard.

Enclosed is a copy of the citations and proposed penalties against Haasbach, L.L.C. OSHA citations state the alleged violations of safety and health standards at the worksite. The amount of the proposed penalties is related to the severity of the alleged violations. Penalties may be reduced from the maximum allowable by law if the company is small or has no history of previous violations. In some cases, penalties may be reduced in exchange for a company's prompt correction of problems in order to protect other employees at the site and avoid litigation.

Enclosed is a brief fact sheet that further explains OSHA citation and penalty policy and should help in understanding the citations. If you have any questions about our investigation or any of the information enclosed, please contact me:

Kathy Webb, Area Director  
U.S. Dept. of Labor – OSHA  
365 Smoke Tree Plaza  
North Aurora, IL 60542  
Telephone – (630) 896-8700

We sincerely regret the death of your #7C. We hope the enclosed information will be useful to you.

Sincerely,

Kathy Webb  
Area Director

**OSHA**  
People First  
Safety Always



U.S. Department of Labor  
Occupational Safety and Health Administration  
365 Smoke Tree Plaza  
North Aurora, Illinois 60542  
(630) 896-8700  
(630) 892-2160 (fax)

January 24, 2011

#7C

#7C

We are writing to share with you the findings of the recent Occupational Safety and Health Administration (OSHA) investigation into the death of your <sup>#7C</sup>

OSHA's investigation determined that the grain bin conveyor that <sup>#7C</sup> was working over was not de-energized and locked out. Additionally, <sup>7C</sup> was not provided with a body harness and a life line while working in flowing grain that posed an engulfment hazard.

Enclosed is a copy of the citations and proposed penalties against Haasbach, L.L.C. OSHA citations state the alleged violations of safety and health standards at the worksite. The amount of the proposed penalties is related to the severity of the alleged violations. Penalties may be reduced from the maximum allowable by law if the company is small or has no history of previous violations. In some cases, penalties may be reduced in exchange for a company's prompt correction of problems in order to protect other employees at the site and avoid litigation.

Enclosed is a brief fact sheet that further explains OSHA citation and penalty policy and should help in understanding the citations. If you have any questions about our investigation or any of the information enclosed, please contact me:

Kathy Webb, Area Director  
U.S. Dept. of Labor – OSHA  
365 Smoke Tree Plaza  
North Aurora, IL 60542  
Telephone – (630) 896-8700

We sincerely regret the death of your <sup>#7C</sup>. We hope the enclosed information will be useful to you.

Sincerely,

Kathy Webb  
Area Director





SEP -2 2010

A 7C

Please accept my heartfelt condolences on the tragic death of your  
deeply regret the loss of 7C life.

A 7C

We

Please be assured that the Occupational Safety and Health Administration (OSHA) is  
investigating the circumstances surrounding A 7C death. We realize that the results  
of this investigation are very important to you, so we will let you know about our findings as  
soon as the investigation is completed.

We are committed to preventing injuries and illnesses on the job. Given our mission of  
providing safer workplaces, we understand that each worker's death is a personal loss and  
tragedy.

Since your A 7C death occurred in Illinois, which is part of OSHA's Region V, our investigators  
from the region will be handling the investigation. If you have any questions about the  
investigation (ref: OSHA Inspection No. 314037433), or any information you think might be  
helpful, please do not hesitate to contact Kathy Webb, Area Director, at the following address:

USDOL/OSHA  
365 Smoke Tree Plaza  
North Aurora, IL 60542-1798  
Phone: (630) 896-8700  
Fax: (630) 892-2160

Again, please accept my sincere sympathy and regret for your loss. If OSHA can be of any  
assistance to you, your family, or friends, please do not hesitate to contact us.

Sincerely,

David Michaels, PhD, MPH



SEP -2 2010

#7C

Please accept my heartfelt condolences on the tragic death of your  
deeply regret the loss of #7C life.

#7C

We

Please be assured that the Occupational Safety and Health Administration (OSHA) is investigating the circumstances surrounding #7C death. We realize that the results of this investigation are very important to you, so we will let you know about our findings as soon as the investigation is completed.

We are committed to preventing injuries and illnesses on the job. Given our mission of providing safer workplaces, we understand that each worker's death is a personal loss and tragedy.

Since your #7C death occurred in Illinois, which is part of OSHA's Region V, our investigators from the region will be handling the investigation. If you have any questions about the investigation (ref: OSHA Inspection No. 314037433), or any information you think might be helpful, please do not hesitate to contact Kathy Webb, Area Director, at the following address:

USDOL/OSHA  
365 Smoke Tree Plaza  
North Aurora, IL 60542-1798  
Phone: (630) 896-8700  
Fax: (630) 892-2160

Again, please accept my sincere sympathy and regret for your loss. If OSHA can be of any assistance to you, your family, or friends, please do not hesitate to contact us.

Sincerely,

David Michaels, PhD, MPH



U.S. Department of Labor  
Occupational Safety and Health Administration  
365 Smoke Tree Plaza  
North Aurora, Illinois 60542  
(630) 896-8700  
(630) 892-2160 (fax)

August 4, 2010

#7C

Please accept our sincerest sympathy in the tragic death of your #7C. We deeply regret your loss.

We wanted you to know that the Occupational Safety and Health Administration (OSHA) is investigating the circumstances surrounding #7C death. We will be in touch to let you know about our findings when our investigation is complete.

Enclosed is some information about OSHA fatality investigations. If you believe you or another family member or friend may have information concerning your #7C death, please contact us so that we can discuss this with you.

If you have any questions about our investigation or any of the information enclosed, please contact me:

Kathy Webb, Area Director  
U.S. Department of Labor - OSHA  
365 Smoke Tree Plaza  
North Aurora, IL 60542-1798  
Telephone (630) 896-8700

Again, please accept our heartfelt condolences, and please let us know if we can be of any assistance to you, your family or friends.

Sincerely,

#7C  
for Kathy Webb  
Area Director

#7C enclosure

OSHA  
People First, Safety Always